



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**RESPONSE TO THE DECEMBER 7, 2004 OFFICE ACTION**

APPLICANT: Rainer Graumann      GROUP ART UNIT: 2644  
SERIAL NO.: 09/778,497      EXAMINER: Justin I. Michalski  
FILED: February 7, 2001      CONFIRMATION NO.: 8814  
TITLE: "GARMENT-WORN MICROPHONE, AND COMMUNICATION  
SYSTEM AND METHOD EMPLOYING SUCH A MICROPHONE  
FOR VOICE CONTROL OF DEVICES"

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**S I R:**

In the Office Action dated December 7, 2004, an election of species requirement was imposed, between the species of Figure 1 comprising a microphone integrated into a surgical mask, and the species of Figure 2, comprising a larynx microphone integrated into a neck band. Under 35 U.S.C. §121, the Examiner required election of a single disclosed species for prosecution on the merits, to which the claims shall be restricted if no generic claim is held to be allowable.

Applicant notes that the Examiner stated that claims 1-20 were pending in the application, and therefore claims 1-20 were subject to the election of species requirement. Claim 14, however, was cancelled in Amendment "A" filed July 29, 2004, and therefore only claims 1-13 and 15-20 are pending in the application and are the subject of the election of species requirement.

Applicant respectfully traverses the election of species requirement for the following reasons.

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